

The Carlsbad Current

Eddy County Jan 6 Am O'Clock

EIGHTEENTH YEAR

CARLSBAD NEW MEXICO, FRIDAY, APRIL 22, 1910.

NUMBER 23

FOUND GUILTY OF MURDER

The Jury Returns a Verdict of "Guilty" in the Case Against Moore Brothers

THE CASE OCCUPIED THE ENTIRE WEEK IN COURT

The jury in the case of the Territory versus Moore Bros. in which the defendants were charged with the murder of W. R. Dobbins, returned a verdict of guilty.

For the first time in many years in Eddy county a verdict of "guilty" has been rendered in a murder trial and there was no little surprise expressed by the citizens of the town when it became known that the jury in the above entitled cause had found the defendants John Moore and brother, Jim Moore, guilty of unlawfully taking the life of their fellowman. The case has been hard fought in the district court in its session in this city during the past week, a summary of which appeared in last week's issue of the Current, the substance of which was that the defendants and the deceased occupied adjacent quarter sections of land near Monument before the government survey had been made and, upon their respective tracts, fences were built. When the government lines were established a conflict arose as to the reestablishing the partition lines which according to the permanent survey cut a strip off of the land of the defendant, John Moore, and added it to that of the deceased, Dobbins. All attempts to arbitrate the matter proved futile and each attempt only left matters in a worse condition until it culminated in the killing of Dobbins.

Prior to dispute over the land each and all of the parties to the controversy were recognized as peaceable, quiet and law-abiding citizens and had lived together as neighbors for some time, assisting each other with their work exchanging tools and implements and in every way had been the best of friends but when the matter of adjusting the line between their respective farms arose the trouble began.

The defendants were placed under arrest immediately after the killing and as they were unable to give bond they have been held in jail awaiting their trial. The case was called in the district court here last Monday afternoon and a special venire consisting of forty-four men was summoned before a full panel could be procured. The case went to trial late Tuesday afternoon and throughout the remainder of the week witnesses were examined in the case. The Territory was represented by Messrs Gatewood & Armstrong of this city and G. U. McCrary, of Artesia. Seven "character witnesses" were introduced by the defense. One from Mississippi, from the former home of the defendants, one from Texas, where they had resided prior to coming to New Mexico, and five from the neighborhood where they have since resided. On the other hand testimony was introduced to show that the deceased had repeatedly been alienated the lives of the defendant and it was upon this latter testimony that the attorneys showed that the defendant was shown, further, showing the killing occurred with his pros-

pective son-in-law were walking across the land in question looking at the land on which he had a growing crop, when he was seen by the defendants. They went to their respective houses, procured a shot gun and a rifle and started on a run across the field towards the two defenseless men and when within range opened fire. Some three or four shots were fired and Dobbins fell a victim of the murderous assault.

The court room has been well filled with spectators throughout the trial and Saturday afternoon and evening when the attorneys in the case were delivering their arguments to the jury the court room was packed to its full capacity. The speeches were especially strong and forceful, some bordering onto eloquence.

Judge Armstrong delivered an address to the jury which was full of sound argument deduced from the evidence and which doubtless carried much weight with the jury. The speech by Judge McCrary was founded on the law and facts in the case and in it was the semblance of eloquence which was an appeal to the finer senses in the jury which was followed by Judge Gatewood, who, in his characteristic style, well known to the citizens of Carlsbad, he drama-

above entitled cause find the defendant, Jim Moore, guilty of manslaughter, as charged in the indictment and recommend that the clemency of the court be extended.

The following is the list of cases and the manner of their disposition which have been brought to the attention of the court since last week:

Territory vs Tom Shipman and Carl Shipman charged with larceny and receiving stolen property. The defendants withdrew their plea of not guilty and entered a plea of guilty.

Territory vs Sylvester Robles, charged with assault with a deadly weapon, the defendant withdrew his plea of not guilty and entered a plea of guilty.

Territory vs Fred Thornton charged with violating the gaming law the defendant withdrew his plea of not guilty and entered a plea of guilty.

Territory vs Earnest Swazee charged with unlawfully discharging a pistol the defendant withdrew his plea of not guilty and entered a plea of guilty.

Territory vs Juan Pablo Chaves charged with assault upon his wife was tried by jury and found guilty as charged.

Gessler & Slocum vs H. C. Hammond, a civil suit, was dismissed at the plaintiffs cost.

In the case of J. D. Mell vs S.

J. M. Reed a judgment was rendered in favor of the plaintiff.

In the case of Chas. Rogers vs Elizabeth Rogers Bruce which was a suit in attachment, judgment was given the plaintiff in the sum of one hundred dollars.

The suit brought by D. F. Fant vs Orda A. Runyan was dismissed on motion of the plaintiff.

In the Territory vs J. S. Wilson charged with assault with a deadly weapon and unlawfully carrying a deadly weapon the case was dismissed on motion of the district attorney.

Clarence Ullery versus J. W. Milhuff was dismissed on motion of plaintiff.

Territory versus Estaban Flores charged with flourishing a deadly weapon was tried Thursday afternoon and a verdict of acquittal was rendered by the jury.

In the case of D. B. Fant vs F. L. Hopkins a default judgment was obtained in the sum of \$2704.87 with interest and costs.

F. G. Tracy vs Wm. H. Brown and Mattie Brown a judgment in favor of the plaintiff was obtained in the sum of \$2499.14.

In the suit for commission in the sale of real estate in the case brought by Frank A. Wright vs N. H. Alkire judgment for the plaintiff in the sum of \$50 was rendered by the jury.

H. N. Frost vs Cuno C. Scheel resulted in a judgment recovered by the plaintiff in the sum of \$2283.34.

The case of the Territory of New Mexico vs Chas. Stokes was dismissed on motion of the district attorney.

Territory vs Tom Shipman charged with larceny, the defendant pled guilty and was sentenced to three months in the county jail but on account of the death of a brother of the defendant the sentence was suspended by the court pending good behavior.

The case of D. D. Sullivan vs Wm. Boose was dismissed.

H. E. McKee vs E. D. McKenzie which was a suit on a note and foreclosure, a judgment was returned in favor of the plaintiff and an order for foreclosure issued by the court covering the amount of the judgment in the sum of \$854.70.

A decree of divorce was granted by the court in the case of Genevieve Swaine vs Carl M. Swaine and the former name of Genevieve Blevins restored to plaintiff.

Judgment by default was obtained by the plaintiff in the case of T. P. Vest vs Susan K. Vest, which was a suit for divorce.

The case of Dorr & Dorr vs Dunaway & McBride was being tried by the court yesterday and was continued over until today.

The matter of procuring a jury in the case began Wednesday afternoon and the case will in all probability go to the jury some time today. The suit was brought to recover on a contract for the sale of cattle. A large number of witnesses was subpoenaed to appear on behalf of each side.

BAD ARTESIA FIRE.

Alfalfa Meal Mill Goes up in Smoke. Other Buildings in Danger.

News reached this city at ten o'clock this morning of a very bad fire in Artesia. The alfalfa meal mill, belonging to J. O. Kuykendall, was destroyed and one box car had been burned. The origin of the fire could not be learned, but it was largely under headway and out of the control of the fire fighting apparatus of Artesia when it was discovered. One small tenement house had also caught from the blaze, but this was put out. The electric light and power plant, which is located just across the track from the meal mill, was in great danger, but as the wind was not blowing, it was hoped that this would not catch.

The exact amount of damage done could not be ascertained, as there was so much excitement in Artesia, and the fire was not under complete control, the damage could not be estimated.

The Groves Lumber Co.

Good Lumber at Reasonable Prices

The Groves Lumber Co.

County Assessor Price left yesterday morning for a one day business trip to Artesia from where he goes to Lovington and the plains country on business connected with his office. He reports a good rendition so far and is well pleased with the assistance which has been given by the citizens of the county. He urges those who have not rendered their property to do so at once and save further trouble and his office force as well.

Buggies, rubber tire cut under and auto seats at Finlay-Pratt Hardware Co.

McLenathen—Insurance.

Single Comb Rhode Island Red Cockerels for sale by C. H. Billings, Malaga, N. M.

One-fourth of Pound Per Week at least, is what a young baby ought to gain in weight. Does yours? If not there's something wrong with its digestion. Give it McGee's Baby Elixir and it will begin gaining at once. cures stomach and bowel troubles, aids digestion, stops fretfulness, good for teething babies. Price 25c and 50c. Sold by Eddy Drug Co.

McLenathen—Insurance.

For Sale: Well Machine Steam Engine, 14 horse power, new, bits new, will drill 1,500 feet. As good as new. Inquire at this office. Let us figure on a trade.

Boy Wanted: to do light farm work. Inquire at this office.

DR. H. N. BAKER,

OSTEOPATHIC & PHYSICIAN

Office at Residence
Corner South McLenathen Residence Block North
Court House
PHONE 56.

The Star Pharmacy

PURE DRUGS Cigars, and Chemicals. Tobaccos, Toilet Articles, Candy, Fine Stationery, Ice and Soft Drinks Cream, of all kinds.

We dispense only J. Hungerford Smith's crushed Fruits and Syrups, the very best that can be bought. WE DELIVER ANYTHING YOU WANT ANY WHERE IN TOWN.

Prescriptions Carefully Compounded. WE WANT YOUR BUSINESS.

STORE PHONE NO. 15. NIGHT PHONE NO. 101.

C. H. McLenathen, President. Morgan Livingston, Vice President. C. M. Richards, Cashier

The National Bank of Carlsbad

Depository for Eddy County and Territory of New Mexico

Middle of the Block, Next door to Post Office

DIRECTORS: Morgan Livingston, C. H. McLenathen, S. I. Roberts, F. F. Dopp, E. Hendricks, J. N. Livingston, C. M. Richards.

A Knocker

is a man who can't see good in any person or thing. It's a habit caused by a disordered liver. If you find that you are beginning to see things through blue spectacles, treat your liver to a good cleaning out process with Ballard's Herbine. A sure cure for constipation, dyspepsia, indigestion, sick headache, biliousness, all liver, stomach and bowels troubles. Sold by Eddy Drug Co.

Half inch water pipe for sale at this office.

Eminent Authorities say

that "out-door exercise is needed by the American people. That's all very well, but how can people with rheumatism follow that advice? The answer is very simple—use Ballard's Snow Liniment and the rheumatism will go, leaving you as spry as a colt. Gives quick and permanent relief from rheumatism, neuralgia, lame back and all pains. Sold by Eddy Drug Co.

Died.

C. B. Shipman, son of Mr. and Mrs. A. C. Shipman, whose home is in Otero county died of tuberculosis, in their camp just east of Carlsbad, on the east side of the river last Wednesday morning. He was about twenty-two years of age and had been a sufferer of the great white plague for some time past. Last fall the family left their home in a covered wagon and have been traveling around over the country seeking some climate which might prove beneficial to the young man's health. His strength gradually left him and last Wednesday morning the end came to relieve him of all suffering. The remains were taken to their former home for burial.

McLenathen—Insurance.

SPRING HAS COME,

and with it comes the call for "Cool Drinks"

Nothing but the Best that money can buy will be served at our ICELESS FOUNTAIN.

Pure Fruits and Syrups Everything Thoroughly Antiseptic
Fresh Eggs (Daily) Courteous Treatment

If These Count for Anything We Should Have A Share of Your Patronage

The Eddy Drug Company

REASONABLE—RESPONSIBLE—RELIABLE

tized the incident of the killing and endeavored to show how the defendants had been imposed upon by the deceased, how he had threatened the lives of the defendants and he appealed to the laws of right and justice for their individual rights. The closing argument was delivered at the evening session by District Attorney Fullen. His address was one of the ablest delivered and upon which he received many congratulations. He carefully summed up the testimony of all of the witnesses and closed with an appeal to the sympathy of his hearers depicting the scenes which lead up to the killing and the fatherless home, the widow and children which were left to the mercy of fate to encounter the many vicissitudes of life. There was scarcely a dry eye in the court room at the conclusion of his argument.

The court followed with his instructions in the law in the case which was placed in the care of the bailiffs and retired to the jury room. They took the case about ten o'clock, Saturday evening and at one o'clock Sunday announced their verdict which was as follows:

"We, the jury find the defendant, John Moore, guilty of murder in the second degree as charged in the indictment, with the recommendation that the clemency of the court be extended."

In the case of the Territory of New Mexico versus John Moore and Jim Moore the verdict was as follows: "We, the jury in the

P. Henry a change of venue was granted by the court and the case will be tried in the Chaves county court.

The case of Nannie S. Ross vs the Penasco Reservoir and Development Co. the case was continued over the term.

Chas. P. Wilburn vs the Penasco Development Co. the case was continued over the term.

In Crandall Co. vs G. M. Phelps judgment for the plaintiff was rendered in the sum of four hundred dollars and the motion for a new trial over ruled.

Alephine Irebarne vs Angeline Mackey an extension of ten days time was granted to the commission appointed by the court some few days in which to complete the task of partitioning the estate for which they were appointed.

In Moline Plow Co. vs. Bottorff and Patrick a default judgement was rendered in favor of the plaintiff in the sum of \$149.87 with interests and costs of the suit added.

A judgement in favor of the defendant was rendered in the case of Norfolk vs. The State National Bank.

In the case of Hazel Davenport vs. E. F. Cooper which was a suit in attachment a judgement was rendered in favor of the plaintiff.

In H. C. Lawer vs. the Pecos Valley Improvement and Development Co. a motion to have a referee appointed was overruled.

In the case of W. P. Riley vs